

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

AUG 08 2008

JOHN F. GORRAN, CLERK  
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JANIE E. MONTGOMERY,  
Plaintiff,

v.

MICHAEL J. ASTRUE,  
Commissioner of Social Security,  
Defendant.

) Civil Action No. 7:07cv00305  
)  
)  
)

) **FINAL ORDER**  
)

) By: James C. Turk  
) Senior United States District Judge

This case is presently before the Court on Plaintiff's objections to the Report and Recommendation of the presiding Magistrate Judge. For the reasons stated in the accompanying Memorandum Opinion, it is hereby

**ADJUDGED AND ORDERED**

that the Magistrate Judge's Report and Recommendation be **ADOPTED** and this matter be **REMANDED** to the Commissioner for a computation and payment of appropriate statutory benefits due and owing to Janie E. Montgomery based on a total permanent disability commencing on October 1, 2004.

The Clerk of Court is directed to strike this matter from the Court's active docket, and to send copies of this Order and accompanying Memorandum Opinion to all counsel of record.

ENTER: This 8<sup>th</sup> day of August, 2008.

  
Senior United States District Judge